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C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 000989

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TAGS: [PREL](#) [PGOV](#) [MARR](#) [MOPS](#) [KTIA](#) [NI](#) [KICC](#)

SUBJECT: NIGERIA: STATUS OF ARTICLE 98 EFFORTS

REF: A. STATE 144906

[1](#)B. STATE 139892

[1](#)C. ABUJA 905

[1](#)D. ABUJA 552

[1](#)E. ABUJA 342

[1](#)F. 02 ABUJA 2978

[1](#)G. 02 ABUJA 2972

CLASSIFIED BY AMBASSADOR HOWARD F. JETER; REASONS 1.5 (B) AND (D).

[1](#)1. (C) SUMMARY: Since October 2002, Post has actively engaged the GON in hopes of concluding an Article 98 agreement before July 1, 2003. President Obasanjo has indicated a willingness to conclude an agreement; however key figures such as the Foreign Affairs and Justice Ministers have opposed an agreement. Minister of Defense Danjuma, an important Obasanjo insider, has been ambivalent. With the end of the first Obasanjo Administration in May, many of our senior interlocutors are no longer in office. Filling their vacant positions might take more time than we can afford at this point. Thus our strategy will be to raise this issue again with President Obasanjo, reiterating the consequences to our military assistance package if there is no Article 98 agreement. This time we will raise the issue in writing, in stark terms, pointing out the consequences if the July 1 deadline is not met. Post will also seek to press the Permanent Secretaries in the crucial Ministries about the need to

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conclude the agreement before July. In the meantime, Post will continue to work with the GON to commit security assistance funds prior to July 1. END SUMMARY.

[1](#)2. (C) Post began approaching senior GON officials about Article 98 last year. Since then, we have raised the issue on multiple occasions with President Obasanjo, Vice President Atiku, Minister of Defense Danjuma, Minister of Justice Agabi, National Security Advisor Mohammed and other senior members of the Obasanjo government. In February, President Obasanjo told Ambassador Jeter he would form an inter-ministerial committee under the direction of then Foreign Minister Sule Lamido to examine the issue (REF E). (COMMENT: In his discussion with us, Lamido voiced strong opposition to Article 98. We are unaware of the findings of this "inter-ministerial committee" or if it ever met. END COMMENT.)

[1](#)3. (C) During a May 12 meeting with Ambassador Jeter, Minister for Defense Danjuma expressed serious doubts about the prospects for Nigeria signing an Article 98 agreement. Danjuma commented that he did not think Nigeria would sign an Article 98 agreement because it "usually follows South Africa on such matters" and noted the measure would surely be opposed by Foreign Minister Lamido. Danjuma expressed philosophical misgivings about Article 98, however, in apparent recognition of the benefit it would provide Nigerian soldiers and not wanting our security assistance program to be truncated due to this issue, he said he would try to persuade President Obasanjo to sign the agreement.

[1](#)4. (C) During two meetings last month, Obasanjo told Ambassador Jeter that he wanted an Article 98 agreement and that an interagency ministerial would consider the issue prior to his May 29 inaugural. The President's Special Advisor on International Affairs told us the meeting took place but he was not informed of its decision.

[1](#)5. (C) Concluding an Article 98 agreement before July 1 will be further complicated by the ministerial vacancies created by the termination of the first Obasanjo administration. Until the President fills the vacant appointments, the ministries will be headed by Permanent Secretaries. The PermSecs are aware of the deadline, but

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they may be reluctant to show any initiative on this

sensitive issue.

16. (C) DAO received instructions on June 4 from USEUCOM to deliver a letter to Chief of Defense Staff ADM Ogohi from EUCOM Deputy Commander GEN Wald asking for the Ogohi's assistance in garnering an Article 98 agreement.

17. (C) Given the time constraints and the current senior level vacancies in the GON, our strategy can only be a streamlined, two-step approach. First, we will raise the issue again with President Obasanjo in a letter as well as seeking an audience with him, clearly detailing the ramifications of not concluding an agreement in time. Second, we also will press the key PermSecs (Defense and MFA) to see if we can get them to move the process forward. (NOTE: We appreciate the EUCOM letter to ADM Ogohi. However, ADM Ogohi has just submitted his letter of resignation. Instead, we will deliver the letter to the Acting Chief of Defense Staff LTG Ogumudia. END NOTE.)

18. (U) In the meantime, Post will continue to work with the GON in order to commit the \$5.6 million in remaining in Foreign Military Finance (FMF) before July 1. Due to Sec 557 sanctions, Nigeria's FMF credits can only be used on existing Foreign Military Sales (FMS) programs. Upon review of Nigeria's FMS program we propose the following allocations to obligate \$2.9 million in FMF:

- a. Extend the MPRI Simulation Center program for an additional 12 months. The ODC has allocated FMF funds to support a three-year contract with MPRI to train and manage the Nigerian JCATS Simulation Center in Jaji (\$1.6 mil).

- b. Fully fund the C-130 training case (\$500k).

- c. Reactivate the expired LOA for the C-130 publications case (\$75k).

- d. Receive and sign the LOA for the transfer of the USCG Sassafras, (\$800k).

19. (C) On Monday June 2 ODC briefed Ministry of Defense Director of Joint Services B.O. Williams on the proposed course of action and asked the MOD to quickly execute the necessary documents to apportion and commit these funds. ODC has yet to receive any LORs or other requested memos. Joint Services had promised to transmit the necessary documentation to us by June 9. Consequently, we will have to work very quickly to generate, process, and sign the LOAs needed to commit these funds by July 1. It is possible that we will not be able to complete them all.

110. (C) COMMENT: Post has made an active, sustained effort to urge the GON to sign an Article 98 agreement. We have raised this several times with President Obasanjo and all relevant Ministers. We will approach Obasanjo as well the Ministries again. While Obasanjo has expressed a positive inclination, there is noticeable opposition within the Nigerian bureaucracy. At this point, we cannot say whether Nigeria will even sign, much less sign in time. These are open questions. We will do the best we can but ultimately the buck stops at Obasanjo's desk. We will remind him once again, in stark terms, of the consequences of a failure to conclude an Article 98 agreement. The Department may also want to consider a letter from Secretary Powell to President Obasanjo urging that Nigeria execute the Article 98 agreement. END COMMENT.

JETER